

FILED

FEB 21 2017

Clerk, U S District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN LEE OLIVER,

Defendant.

CR 13-34-M-DWM

AMENDED ORDER OF
FORFEITURE AS TO CERTAIN
SUBSTITUTE ASSETS

Before the Court is the United States' unopposed Motion to Amend the Order of Forfeiture to include two previously undiscovered trailers belonging to the defendant Jonathan Lee Oliver. (Doc. 67.) A Final Order of Forfeiture was issued August 28, 2014, forfeiting to the United States any and all of Oliver's right, title, and interest in the sum of \$6,468,186.33, the amount Oliver obtained in connection with his wire fraud scheme. (Doc. 53.) The Final Order of Forfeiture provides that the Court retains jurisdiction in this case for purpose of the Order's

enforcement, and further provides the United States may, pursuant to Federal Rule of Criminal Procedure 32.2(e), move at any time to amend the Order to substitute property having value not to exceed \$6,468,186.33. (*Id.* at 2.)

Accordingly IT IS ORDERED that Defendant Jonathan Lee Oliver's interest in the following property is forfeited to the United States in accordance with Fed. R. Crim P. 32.2:

- a. a 2011 North Trail Trailer, bearing VIN 5SFNB3421CE237470; and
- b. a 2011 Mammoth Trailer, bearing VIN 1M9GF3021BM799750.

IT IS FURTHER ORDERED that the United States Marshals Service, or its designated sub-custodian, shall, prior to disposition of the asset, seize the property subject to forfeiture and further make its return to this Court as provided by law.

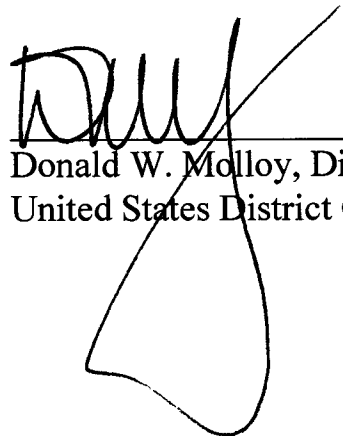
IT IS FURTHER ORDERED that the United States shall provide written notice to all third-parties asserting a legal interest in the two trailers, and shall post notice on an official government internet site—<http://www.forfeiture.gov>—for at least 30 consecutive days as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Actions, of this Order and the United States' intent to dispose of the property in such manner as the Attorney General may direct, pursuant to 18 U.S.C. § 982(b)(1) and 21 U.S.C. § 853(n)(1), and to inform the Court on having done so.

IT IS FURTHER ORDERED that any person, other than Oliver, asserting a legal interest in the trailers may, within 30 days of the final publication of notice or receipt of notice under the preceding paragraph, whichever is earlier, petition the Court for a hearing to adjudicate the validity of the alleged interest in the property. The hearing shall be held before the Court alone, without a jury. Following the disposition of any third-party interests, the Court shall, if appropriate, enter an amended order of forfeiture as to the two trailers, vesting clear title in the United States of America.

IT IS FURTHER ORDERED that, following the notice period or the entry of an additional amended order of forfeiture, the United States shall dispose of the two trailers in accordance with the law, apply the value of the property to the forfeiture judgment of \$6,468,186.33, and file a partial satisfaction of judgment with the Court, apprising the Court of the amount of the judgment that has been satisfied and the amount that remains outstanding.

IT IS FURTHER ORDERED that, pursuant to 21 U.S.C. § 853(p), this Court has the authority to order forfeited additional substitute assets to satisfy the remaining balance of the forfeiture judgment, and that this Court shall retain jurisdiction in this case for the purpose of implementing and enforcing the Final Order of Forfeiture, (Doc. 53), and this Order.

DATED this 21st day of February, 2017.



Donald W. Molloy, District Judge
United States District Court